IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 27TH NOVEMBER 2006 / 6TH AGRAHAYANA 1928

Bail Appl..No. 6959 of 2006()

AGAINST THE ORDER DATED 04/10/2006 IN ORDER IN
CMP.2251/2006 of J.M.F.C.-II, CHENGANNUR
CR.167/06 OF CHENGANNUR EXCISE RANGE.

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PETITIONER/ACCUSED

PUNNUS, S/O.UTHUPPAN,
MADATHILETHU KANDATHIL,
THIRUVANVANDOOR MURI, THIRUVANVANDOOR VILLAGE,
CHENGANNUR TALUK.

BY ADV. SRI.K.JAYARAJ

RESPONDENT: COMPLAINANT

KERALA STATE,
REP. BY EXCISE INSPECTOR,
EXCISE RANGE OFFICE, CHENGANNUR,
THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 27/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO. 6959 OF 2006

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DATED THIS THE 27th DAY OF NOVEMBER, 2006

O R D E R

Petitioner, who is the sole accused in C.R.No.167/06 of Chengannur Excise Range for offences punishable under sections 8(1) and 8(2) of the Abkari act for allegedly having been found in possession of one litre of arrack on 25.9.2006, seeks bail.

2. Even though,the learned Public Prosecutor opposed the application submitting, inter alia, that the petitioner is involved in other cases, since it is admitted that no complaint has been filed within 60 days of detention of the petitioner, the petitioner is entitled to bail as of right in view of clause (a) of the proviso to section 167 Cr.P.C. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs.20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.-II, Chengannur and subject to the following conditions:

1. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

3. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

dsn